IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. 13398 of 2005

Between:

Smt. Zahera Begum, W/o. Late Waheed Ali,
Aged 75 years, R/o. Quarter No. 42,

Door No. 2-5-29, Petla Burj, Hyderabad.

..... PETITIONER

AND

1. The Assistant City Planner, Circle No. 1,

Municipal Corporation of Hyderabad,
Sardar Mahal, Charminar, Hyderabad.
2. The Commissioner, Municipal Corporation of Hyderabad,
Tankbund, Hyderabad A.P.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent No. 1 and his staff dated 15-6-2005 orally asking the petitioner to handover the vacant possession of the petitioner's Quarter No. 42, corresponding to 2-5-29, Situated at Petla Burj, Hyderabad, by 25-6-2005, without following the due process of law as illegal, void, contravention of sections 146 and 147 of H.M.C. Act and the law laid down by this Hon'ble Court in W.P.No. 10846 of

2005 dated 24-5-2005 following the Judgment of Division Bench of this Hon'ble Court and to restrain the Respondents from demolishing the petitioner's Quarter No. 42 corresponding to 2-5-29, situated at Petla Burj, Hyderabad.

Counsel for the Petitioner: MR.S.M.ALI

Counsel for the Respondent No.: MR.RAMA RAO GHANTA

The Court made the following :

ORDER:

The case of the petitioner is that her husband was allotted Police Quarter No. 42 corresponding Municipal No.21-5-29, Petla Burj, Hyderabad, and he was declared as owner and possessor of the said quarter by judgment and decree dated 18.4.1978 passed in OS No. 1052 of 1977 by the II Asst. Judge, City Civil Court, Hyderabad, and on his demise on 14.2.1999, she is in lawful possession and enjoyment of the same. But the respondent, under the guise of road widening, sending his staff and pressurizing her to handover the premises without following the due procedure under the law or without initiating land acquisition proceedings to take away the property in violation of the principles of natural justice as well as Sec. 146 and 147 of the Hyderabad Municipal Corporation Act.

This court disposed of number of writ petitions directing the respondents not to demolish the houses of the private citizens without following due process of law or private negotiations.

Having regard to these facts and circumstances, the writ petition is disposed of directing the respondents not to demolish or takes away the property of the petitioner without following due process of law or private negotiations or initiating the proceedings under Land Acquisition Act, 1894. No order as to costs.

Elipe Dharma Rao, J.

June 24, 2005

To

1. The Assistant City Planner, Circle No. 1,

Municipal Corporation of Hyderabad,
Sardar Mahal, Charminar, Hyderabad.

2. The Commissioner, Municipal Corporation of Hyderabad,
Tankbund, Hyderabad A.P.

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